

MOTION FILED
MAY 7 1979

IN THE
Supreme Court of the United States
OCTOBER TERM, 1978

No. 78-282

DONALD E. CURRY, ET AL.,

Petitioners,

versus

DALLAS N.A.A.C.P., ET AL., and
NOLAN ESTES, ET AL.,

Respondents.

No. 78-253

NOLAN ESTES, ET AL.,

Petitioners,

versus

DALLAS N.A.A.C.P., ET AL.,

Respondents.

No. 78-283

RALPH F. BRINEGAR, ET AL.,

Petitioners,

versus

DALLAS N.A.A.C.P., ET AL.,

Respondents.

Motion for Leave to File Brief Amicus Curiae and
Brief of Amicus Curiae
The Dallas Alliance and
The Education Task Force of the Dallas Alliance

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and The Education Task Force
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BRIEF AMICUS CURIAE FOR
THE DALLAS ALLIANCE AND THE
EDUCATION TASK FORCE OF THE DALLAS ALLIANCE

MOTION FOR LEAVE
TO FILE BRIEF AMICUS CURIAE

The Dallas Alliance and the Education Task Force of the Dallas Alliance hereby respectfully move for leave to file the attached Brief Amicus Curiae in this case pursuant to Rule 42 of this Court. The consent of attorneys for the petitioners and for the respondents, Tasby, et al, has been obtained and the letters have been deposited with the Clerk. The consent of the attorney for the respondent NAACP was requested but refused.

The Dallas Alliance is a service organization designed to encourage cooperation and combined effort of community groups in seeking resolution of urban problems affecting the Dallas community. The Alliance is comprised of a 40-member Board of Trustees drawn from local government, the business sector, and the community at large. The Board's racial composition reflects the ethnic makeup of the city's population. In addition, approximately 90 community organizations are affiliated with the Alliance, designated as community correspondent organizations.

The Education Task Force of the Dallas Alliance was formed in October, 1975. Consisting of seven Anglos, seven Mexican-Americans, six Blacks and one American Indian, the group's mission was the creation of a consensus school desegregation plan which would be constitutionally acceptable. The Task Force im-

mediately commenced an energetic and exhaustive involvement in the drafting process. After more than four months and 1500 work hours, including numerous conferences with leading educators throughout the Nation, the Task Force was able to agree on a consensus plan. This plan was then submitted to the district court in the middle of the month of remedy hearings. The district judge subsequently adopted the plan of the Task Force (with modifications) as his final order in the case.

In both the district court and the Court of Appeals for the Fifth Circuit the Task Force has participated as *Amicus Curiae* in support of the consensus plan. The Task Force's familiarity with this case, with DISD, and with the concepts the district judge ordered place it in a unique position to be of assistance in fleshing out the issues involved in this complex urban desegregation suit. Furthermore, the Task Force believes it likely that the other briefs may argue this case on grounds broader than necessary for an appropriate resolution of the controversy.

Therefore, The Dallas Alliance and the Education Task Force of the Dallas Alliance respectfully move for leave to file the attached Brief *Amicus Curiae*.

Respectfully submitted,

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INTEREST OF AMICUS CURIAE

The Dallas Alliance is a service organization designed to encourage cooperation and combined effort of community groups in seeking resolution of urban problems affecting the Dallas community. The Alliance is comprised of a 40-member Board of Trustees drawn from local government, the business sector, and the community at large. The Board's racial composition reflects the ethnic makeup of the city's population. In addition, numerous community organizations are affiliated with the Alliance, designated as community correspondent organizations. (A list appears in Appendix C).

As stated in greater detail in the Motion for Leave to File Brief *Amicus Curiae*, the Education Task Force of the Dallas Alliance is a tri-ethnic group that labored for 1500 hours in developing the consensus plan that was subsequently adopted by the district court in its final order.

INTRODUCTION AND STATEMENT OF THE CASE

A. The Narrow Issue

The most far-reaching issue presented in this litigation and briefed to the Court is an issue which neither the district court nor the Court of Appeals decided: whether the principles of *Washington v. Davis*, 426 U.S. 229 (1976) should be interjected into school desegrega-

tion litigation in the urban South. Not only was this issue not faced below, it need not be faced here. Instead this case may be decided on the very traditional grounds of the discretion of a district judge. To say that the issue is traditional, however, is hardly to trivialize it. The vast urban setting of the eighth largest school system in the United States heightens its importance and provides a unique focus for exploring the parameters of informed discretion.

Brown v. Board of Education II, 349 U.S. 294 (1955) placed a special burden on district judges. Not only were they to be in the vanguard of Southern desegregation, but in so doing they were to demonstrate "a practical flexibility in shaping remedies and . . . a facility for adjusting and reconciling public and private needs." *Id.* at 300. The duty to reconcile has lost none of its importance over time even though the context for the application of the duty has changed markedly. Thus, thanks to *Green v. New Kent County School Board*, 391 U.S. 430 (1968) and its immediate progeny, by 1970 rural desegregation was complete. But the harder task, that of desegregating the urban systems was barely beginning. The cries of nullification and interposition from Louisiana and Virginia had been stilled only to be replaced by the shouts from Boston and Louisville. The quaint names of the rural South vanished, to be replaced by the more familiar nomenclature of urban America: Charlotte, Mobile, Denver, Detroit, Pasadena, Dayton. But still, throughout all the changes, it remains the federal district judges who bear

the primary burden of implementing the appropriate constitutional principles. To them falls the often thankless work: to "grapple with the flinty, intractable realities of day-to-day implementation" of school desegregation. *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 6 (1971).

A district judge, however, must do more than grapple. He must decide. And in so doing he must implement a desegregation plan that "promises realistically to work." *Green*, 391 U.S. at 439. In a large, urban, tri-ethnic community such as Dallas, where thousands of citizens are relocating their homes annually, the appropriate choices are hardly self-evident. Yet they must be made.

The starting point for any desegregation plan is determining where the children live. This litigation has been protracted and each time the case has come before the district court substantial demographic changes have occurred. If nothing else, Dallas has been an urban boom town. A brief look at its demographic history is essential for understanding the setting.

B. Demographic History of Dallas

In the thirty year period (1940-1970) Dallas changed radically. There were population changes in size, location, economic characteristics, composition by race and ethnicity, as well as school age population characteristics. To a large extent Dallas is a new city, suburban in its development pattern with single, detached dwelling units being the dominant form of

housing until very recently. Population densities by tract are low in comparison with northeastern and even other southern cities.

Since 1940 the physical size of the city and DISD have both quadrupled to well over 350 square miles of territory. The growth came largely in two major spurts, one in the early 1950's and the other in the early 1960's.

To understand this growth in physical size and population some understanding of the physical and social geography is necessary. The core of the city is along the Trinity River. On the north side of the river the land is flat and in 1940 most (75%) of this area was planted in cotton in farm plats of approximately 80 to 100 acres. To the south is the Oak Cliff area which has rocky soil and a hilly type of terrain not suitable for industry or agriculture.

1. Black Movement — 1940-70

In 1940 75% of the small Black population lived in two areas of the city: immediately to the north of the Central Business District and to the far southeast of the Central Business District.¹ Both of these areas are now completely surrounded by new areas. The remaining 25% of the Black population was more dispersed and only 10 of the 58 tracts in the city at that time had fewer than 1% Black population.²

¹ Plates of Dallas in 1940, 1950, 1960, and 1970 showing racial percentages are in Appendix A.

² Census tract statistics are in Appendix B.

The pattern of racial location in 1950 remained essentially the same with the exception of major territorial annexation to the north and south with many more Anglo tracts.

In 1957 a major annexation of a West Dallas district occurred. This area had two barrio areas, few Anglos and substantial Blacks. At the time of annexation this area, located in the west between Oak Cliff and North Dallas, had less than 11% of the housing above code, only 2 miles of paved streets, one 60 year-old school building, no parks, no sewers, no storm drains.

During the huge growth of the 1950's the city's population and territory more than doubled. Black location concentration moved into the area identified as South Dallas (just north of the Trinity River). This was an older area being abandoned by Anglos moving to the far north of Dallas. A concentrated group of census tracts changed during the 1950's from Anglo to Black.³ While Black population was doubling, the rapidly expanding Anglo population resulted in the DISD being 15-20% Black.

The area known as East Oak Cliff had 65% of its present housing built during this period. It was in 1960 a series of suburban type development subdivisions. Black residents were in two zones of this area of the city — in the older housing in far northeast Oak Cliff directly across the Trinity River from South Dallas on the only bridge and to the far south where Bishop College was placed after moving from Marshall, Texas.

³ Tracts 28, 29, 33, 34, 36, 38, 39.02, 40 and 41.

Within a three year period of the 1960's a tremendous change, one with no Northern or Eastern city comparisons, took place in the recently developed subdivisions of East Oak Cliff — the area south of the river and east of Interstate 35E. While originally built for and marketed to Anglos, the average Anglo occupancy was but 2.3 years. Almost two dozen census tracts in the area shift from 90% Anglo to 90% Black.⁴ Six of these tracts did not exist in 1940; four did not exist until 1970. In effect a new area of the city, with new schools, new streets, new shopping centers (the first two major centers in Dallas were built in this area) went from Anglo to Black overnight.

2. *Anglo Movement — 1940-70*

Anglo movements in this 30 year period show a different pattern to the fringes of the city — far northwest, northeast, east (Pleasant Grove) and far southwest. The growth was phenomenal and demonstrates the recency and amount of post-war affluence in Dallas. While Blacks were coming from Louisiana and East Texas rural areas, for working class opportunities, Anglo Dallas in its affluence was coming from the upper midwest for corporate and financial opportunities. This wealth concentrated in the far north area and is, again, in housing not even there in 1950. Further, tremendous suburban expansion, predominantly Anglo, took place around the city.

⁴ Tracts 49, 54, 55, 56, 57, 59.01, 59.02, 71.02, 86, 87.01, 87.02, 88, 89, 103, 104, 112, 113, 114.01, 114.02, 167.01, 169.01.

3. *Mexican American Movement — 1940-70*

While there is no census data on Mexican American location, an area north of the Central Business District by 1940 was called "Little Mexico" and the few Mexican Americans in Dallas were concentrated there. Most of the Mexican American population has come to Dallas during the current decade and is concentrated in an arc from West Dallas to East Dallas directly north of the Central Business District.

4. *The Present*

In the period 1970-1975 racial data from the census are not available. Public school data, the Department of Urban Planning, and Real Estate Board reports do provide some insights. First, the city's and DISD's expansion in territory and overall population is completed. The suburban ring exists. Second, population densities have been increasing with many huge apartment complexes. Over 50% of all housing starts during this period were multi-party structures. This proportion is much higher today. Third and most importantly, the Anglo school district population in the past decade has shifted from 63% to approximately 35%. In elementary ages it is even lower. At first blush it is difficult to comprehend how the city's population remains majority Anglo while the Anglo percentage in DISD keeps dropping. The reason is the cost of housing in the Anglo areas of far North Dallas. In Northwest Dallas housing built from 1957-1961 sold originally for \$28 to \$31,000. The average age of the head of the household was 31 with 3 children, elementary age. Today these

same homes sell for \$70 to \$180,000 with average age of the head of the household being 52, 3 children, 1 high school age, and the other 2 already gone.

The demographic picture of Dallas makes clear the enormity of the task facing a district judge. Unlike many cities where whites ring a black core and pie shaped wedges will accomplish considerable racial mixing,⁵ Dallas has great physical separation of Blacks from most Anglos by, first, the Trinity River, second, the Central Business District, and finally by a Mexican American arc. From far South Dallas (e.g., South Oak Cliff or Zumwalt schools) to far North Dallas (W. T. White or Dealey schools) is approximately a 50 minute drive by car on Sunday. Yet the Black population is largely in South Dallas and the Anglos are in the far north.⁶ The problem is exacerbated by the low densities of Anglo children (except for the naturally integrated Pleasant Grove) and the band of Mexican American settlements between the Anglos and the Blacks.

C. *The District Court's Plan*

How, then, to desegregate? Between plaintiffs, defendants, intervenors, amicus, and even students there were numerous theories and several carefully prepared plans. When the month of hearings ended in March 1976, Judge Taylor had before him six major

⁵ E.g., Charlotte-Mecklenburg.

⁶ Housing costs, occupational demands, and convenience make it clear Anglos will continue to occupy the far north of the city. It is less clear how long they will remain in the southwest and southeast.

plans for achieving a unitary school system. As would be expected deep divisions existed among them on the amount of busing to be ordered.⁷ Beyond that, however, there were a surprising number of common points in most of the plans: The huge district should be divided into more manageable subdistricts,⁸ each of which should reflect the ethnic mix of the district as a whole; naturally integrated areas (not more than 75% Anglo or 75% Black and Mexican American combined) should be preserved;⁹ magnet schools, such as the nationally renowned Skyline in Pleasant Grove, should be created to accomplish desegregation in the high school grades;¹⁰ East Oak Cliff, because of geography and the location of naturally integrated areas, might remain unchanged.¹¹ Additionally, there were middle points about which some of the parties appeared to care more than others. These included accountability mechanisms and the use of desegregation tools beyond transportation.

7 The highest was Plaintiffs' Plan A at 69,000; the lowest was DISD at 14,000.

8 On this point there was less agreement since the polarity of the NAACP and DISD Plans led each to reject subdividing. Subdividing was present and heavily stressed in both plans of Plaintiffs and the Dallas Alliance Plan.

9 Judge Taylor noted "as all parties recognized, there would be no benefit educational or otherwise in disturbing this trend toward residential integration." 412 F. Supp. 1192, 1206.

10 Everyone supported the magnet concept.

11 Only the NAACP and Plaintiffs' Plan A disagreed.

The district court, in fashioning an order, incorporated not only the common desegregation tools that were tendered in each of the plans but adopted some new and innovative tools that appear necessary for an urban school district plan that is majority minority.

The district court's final order of April 7, 1976, divided the school district into six subdistricts. This configuration was to preserve the naturally integrated areas; heighten parental involvement; achieve maximum desegregation within each subdistrict; facilitate administration and student assignment.

As a means of facilitating student assignment for desegregation purposes as well as to insure maximum utilization of existing facilities, the judge standardized the grades throughout the district.¹² This standardization provided for the establishment of K-3 Early Childhood Education Centers that were required to use the Diagnostic Prescriptive concept that had proven successful in California with respect to parental involvement.¹³ Special programming was included in the 4-6 Vanguard schools and the 7-8 Academies. The magnet concept was employed at the 9-12 high school level.

12 "In a good school desegregation plan: [there is] . . . (d) a uniform grade structure [that] facilitates interchange between and easy access to all units or schools within the system." Willie, *The Sociology of Urban Education*, 60, Lexington Books of D.C., Heath Company (1978). Contrast the proposals of Plaintiffs' Plan A and B which respectively have 14 and 9 different grade structures for elementary schools.

13 Thus, the order looked to using parents in the requirement to move as rapidly as possible to a 1-10 adult-student ratio in the Early Childhood Education Centers. 412 F. Supp. at 1214.

The court recognized its charge as being one of providing an equal educational opportunity to all students within the district by desegregating the district to the maximum extent practicable. One of the desegregation tools employed was student assignment. Once the judge had carved out the naturally integrated areas and divided the district into subdistricts that reflected the approximate racial ratio of the entire school district, except for East Oak Cliff and Seagoville,¹⁴ there were few options remaining. To facilitate the necessary parental involvement, students that were in the K-3 grades were assigned to schools within two miles of their home if possible. Students in grades 4-8 were assigned to centers in areas of centrality within their subdistrict which generally reflected an ethnic balance (except for East Oak Cliff). To provide maximum desegregation in all new special programs such as the 4-6 Vanguard, the 7-8 Academies and the 9-12 magnets, the court required that the enrollment in each of these special schools reflect the racial makeup of the grade level.

The judge in this case, recognizing the instability and ineffectiveness of the sole employment of a student assignment tool, elected to go further in his remedial order. He adopted a variety of desegregation techniques. Some, of course, are reasonably familiar. E.g., *The Singleton v. Jackson Municipal Separate School District*,

¹⁴ Seagoville, an area of blue collar Anglos, was made a separate subdistrict because of its geographical isolation from the rest of DISD. It lies in the far southeast, and although Seagoville is 81.5% Anglo, it contains less than 2% of DISD's student population. The nearest pocket of Blacks is 15 miles distant.

419 F. 2d 1211 (CA 5 1970) order on personnel.¹⁵ Others, however, have not heretofore been established as universal remedies. It was here, drawing on the compromise efforts of the Education Task Force of the Dallas Alliance, that the plan best reflected the nature of the community. Because of the Mexican American children, bilingual and multi-cultural education were needed as well as minority to majority transfers for Mexican Americans.¹⁶ Special programs for all, including career education, curriculum transfers for the physically handicapped, mentally retarded and highly gifted were included. To ensure an ethnic mix at the very top of the system a recruiting and employment requirement to employ Blacks and Mexican Americans in administrative posts according to their percent of the population was ordered. In addition both an internal and external accountability systems were ordered.

¹⁵ The other familiar techniques included: majority to minority transfer; authorization to the district to modify attendance zones to further promote desegregation; establishment of new facilities in areas that will promote and enhance desegregation; the establishment of a tri-ethnic committee to report to the court on a continual basis; a discipline and due process policy; and retention of jurisdiction.

The Fifth Circuit held that Judge Taylor erred in failing to require DISD to assume the burden of providing transportation to those students electing to choose majority to minority transfer. The inclusion of such a provision in an order is not a matter of discretion, *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 26-27 (1971), and the Fifth Circuit was hyper-technical in its reading of Part X of the order. The Dallas Alliance's Plan intended DISD to assume the burden; part X (3) of the order requires DISD to assume the burden; and in fact DISD is assuming the burden and has done so from the time of the order.

¹⁶ "Mexican Americans who comprise less than five percent of the school to which they are originally assigned, may transfer to a school that offers the Bilingual Education Program." 412 F. Supp. at 1218.

The totality of the tools selected anticipated *Milliken v. Bradley II*, 433 U.S. 267 (1977) and evidenced the far-sighted approach taken by the district court. Furthermore, they suggest that it is questionable as to whether any tri-ethnic school district can fully realize its desegregative goal by student assignment alone. Creativity is a necessary aspect.¹⁷

SUMMARY OF ARGUMENT

1. What occurred in the district court is precisely what ought to occur. A district judge appraised himself of all the available facts, considered and combined the options, recognized the necessity of some compromise among positions, selected the options best suited to providing an equal and quality desegregated educational opportunity to each child in the system, and adopted a plan that promises to work both immediately and in the future. The promise of success is a

¹⁷ A very similar conclusion was reached by Plaintiffs' expert witness, Dr. Charles V. Willie of Harvard. Dr. Willie was one of the masters appointed by Judge Garrity in *Morgan v. Hennigan*, 379 F. Supp. 410 (D. Mass. 1974), *aff'd sub nom. Morgan v. Kerrigan*, 509 F. 2d 580 (CA 1 1974) *cert. denied*, 421 U.S. 963 (1975), the Boston case. He concludes an article about the largely rejected plan he drafted by noting that it proposed "a new approach to school desegregation which attempted to unite method and purpose. Some of our proposals were rejected in favor of advancing racial quotas, method without its purposes. . . . How to prevent separation of method from purpose in education is a problem in need of serious study. 'An editorial in the *New York Times* summed up the issue quite nicely: Integration must be made synonymous with better education' (May 20, 1975)." Willie, *Racial Balance or Quality Education?* 84 School Rev. 313, 325 (1976).

key component. Success comes from quality and is sustained by support. Judge Taylor knew of Boston and Louisville. He knew that a court order without support in the community is an exercise of will, not of discretion. He charged the community to come forward and make the plan work. The community responded accordingly. To hold, as the Court of Appeals did, that more had to be done, crossed the limits of appellate review of district court discretion.¹⁸ *Dayton Board of Education v. Brinkman*, 433 U.S. 406, 409 (1977).

2. Since this can and should be decided on the narrow issue of the informed discretion of the district judge, no other issues need be reached. But should the issue tendered by the Curry Intervenors be faced, their position should be rejected. Transmuting school suits into battles that tax social science methodologies beyond their limits holds promise for neither schools nor courts — nor this Nation.

ARGUMENT

I. The District Judge Appropriately Exercised The Broad Discretion Necessary To Implement A Successful Desegregation Plan.

¹⁸ In spite of Fifth Circuit's ruling, it acknowledged the comprehensive approach by the district judge: "After developing a voluminous record and holding hearings for over a month on the feasibility and effectiveness of these proposals, the district judge drew a comprehensive plan dealing, *inter alia*, with special programs, transportation, discipline, facilities, personnel, and an accountability system, as well as student assignments." 572 F. 2d 1010, 1013 (CA 5 1978).

The Civil Rights Commission in its 1976 report *Fulfilling the Letter and Spirit of the Law* spent considerable detail to remind us of the received knowledge after two decades of school desegregation: successful desegregation happens not by chance but through planning and total community commitment. *Id.* at 168-201. "Only in learning together as equals, sharing knowledge and experiences, can children hope to develop the cultural values which will prepare them to be fully contributing members of society." *Id.* at 206. The report reflects well the breadth of school desegregation in attempting to provide the promise of *Brown v. Board of Education*, 347 U.S. 494 (1954): equal educational opportunities for all.¹⁹

The path to the promise is not perfectly marked and cryptic statements in *Brown II*, *Swann* and *Green* tell the

¹⁹ We do not read *Brown I* as purely a race case. First, it is not so written; indeed it is written as an education case. Second, if it were solely a race case, the remedy would have been significantly easier to achieve and none of the language of *Brown II* and *Swann* would have been necessary. Third, as a race case it places incredible strains on credulity to assume that Southern schools, but for segregation would have been integrated, while the Northern schools would not. *Milliken v. Bradley I*, 418 U.S. 717 (1974). Finally, while treating *Brown* as a race case has the advantage of simplicity of remedy — bus to balance — it carries the corresponding difficulty of ignoring the mission of any school system: to provide a quality education to each child. If the mission is recognized, the availability of a richness of remedial actions in a school desegregation context becomes apparent. *Milliken v. Bradley II*, 433 U.S. 267 (1977). See generally, Bell, *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 Yale L.J. 470 (1976). See also Willie, *Racial Balance or Quality Education?*, 84 School Rev. 313 (1976): "The fact that this desegregation decision was intended to foster education seems to have been forgotten."

district judge upon default by a school board a broad discretion is his. To exercise his discretion he must first learn, then act, and finally evaluate (somewhat later) the success of his product. Few other discretionary decisions probe so deeply into the resources of a judge or approach even a fraction of the difficulty. And, as we have noted, the geography and population shifts in Dallas made Judge Taylor's job unenviable in its complexity.

Although a native Dallasite, the judge had to study the district to learn, *inter alia*, where the people lived, where they would live in five years, what the ages of their children were, where the schools were located, as well as the conditions, complexions and capacities of the schools. Then a solid month of trial provided Judge Taylor with a wealth of plans and information. Naturally, none of the plans submitted was perfect. But some were remarkably better than others. The judge had already recognized, as he had stated in court, that the DISD plan was "patently unconstitutional." The responsibility for securing a constitutionally acceptable plan was now squarely his. When school authorities default "a district court has broad power to fashion a remedy that will assure a unitary school system." *Swann*, 402 U.S. at 16.

Of the remaining plans, one other was especially troublesome. The quota-like approach of the NAACP with its demand to change student assignments as neighborhoods change not only ran against *Swann's*

presaging of the holding in *Pasadena City Board of Education v. Spangler*, 427 U.S. 424 (1976), but the NAACP in its commitment to provide a racially balanced system for Blacks was willing to leave the Mexican American children in a secondary position (at least temporarily).²⁰ Such a conclusion is also "patently unconstitutional" and it is unthinkable that a district judge would accept it. Of necessity the focus on the plan to be ordered narrowed to those plans which were constitutional and which promised to work. The plan finally implemented reflected the predominant thinking of the parties to the litigation. Where commonalities of approach were present, they were implemented.²¹ The process was the essence of informed discretion: the application of reasoned judgment to the facts at hand.

It is true that the plan selected, essentially the plan drafted and submitted by the Education Task Force of the Dallas Alliance, is a compromise. It is easy to deride compromise. Furthermore, sloganeering that constitutional rights cannot be compromised is as irresistible as it is irrefutable. Unfortunately, it begs the real question. The answer, of course, is that each

²⁰ "The first magnitude of desegregation and the attaining of an Unitary School System should be to achieve a racial balance of black and white students in each school and then follow through with the integration of other minorities into the system." (Emphasis added).

²¹ The commonalities available demonstrate a substantial improvement over the situation at the beginning of this decade where the lack of alternatives from either counsel for the plaintiffs and the school boards virtually mandated racial balance remedies "because there is not much else that a court can do that will have an impact." Bickel, *Education in a Democracy: The Legal and Practical Problems of School Busing*, 3 Human Rights 53, 59-60 (1973).

child must be granted equal educational opportunities and there is a duty on the school board (or, that failing, the district judge) to establish a unitary school system. But these in turn are only starting points. Despite a decade of urban litigation involving cities as diverse as Charlotte, Mobile, Denver, Detroit, Pasadena, and Dayton, major questions — questions that no district judge can avoid — are unanswered (and sometimes unasked). *Swann* assumed that some one-race schools were allowable. But how many? For what size school district? What parameters ought a judge employ in evaluating the one-race school question in a majority minority district? Is there a maximum beyond which a district may not go regardless of the strength of the proffered justification? If neighborhood schools are acceptable for the very young, what grades are encompassed? At what point does the amount of time a student spends on a bus each day become unreasonable? As a district judge fashions his remedy to include not only student assignments, but also quality educational programs and faculty hiring policies that assist desegregation, what are the priorities among them?²² Is there any room for community involvement beyond that which the adverse parties bring to the litigation?

²² Consider Dr. Kenneth Clark's analysis: Given the fact that public schools, so far, reflect the racial populations of the cities, the goal of attaining high quality education through the democratic process of realistic and administratively feasible forms of desegregation appears to be, at least temporarily, abandoned and is being replaced by the need to concentrate on raising the quality of education without regard to the present racial composition of a city's public schools. This educational imperative must be met, for the present generation of students in the public

Parties, obviously, have pat answers to these and other questions. That is the nature of litigation. For judges, however, the best that is possible is an educated guess as to what the ultimate answers to these questions will be, assuming that in fact answers will be forthcoming. What a district judge faces, then, is an explicit directive — establish a unitary school system — large parameters of which are vague.²³ It is hardly surprising that the lack of explicit rules, the vagueness of doctrine despite numerous decisions involving urban systems, becomes translated into the terminology of informed discretion. For the district judge that delicate balance of private and public needs pin-pointed by *Brown II* must mean compromise. Not compromise in a pejorative sense, but compromise in its best sense. For compromise fits well with no theories and often defies logic; its sole virtue is that in the real world it works.²⁴

schools of our cities is not expendable. If we continue to frustrate these students educationally, they will be, in fact, the ingredients of the "social dynamite" which threatens the stability of our cities, our economy, and the democratic form of government. It is conceivable, also, that a present emphasis on raising the quality of education for these children will eventually facilitate rather than block the continued struggle for a non-racial organization of the public schools in the United States.

K. Clark, *A Possible Reality: A Design for the Attainment of High Academic Achievement for Inner City Students* 51 (1972) (Emphasis added).

²³ See generally, Yudof, *School Desegregation: Legal Realism, Reasoned Elaboration, and Social Science Research in the Supreme Court*, 42 Law and Contemp. Probs. — (Spring 1978) (forthcoming).

²⁴ "Legal theory is one thing. But the practicalities are different." *Ashbacker Radio Co. v. F.C.C.*, 326 U.S. 327, 332 (1945).

While the plan adopted is largely the consensus plan of the Dallas Alliance and thus to that extent reflects compromise among private citizens, Amicus believes that it is unreasonable to expect district judges to be limited to the entire plan of one of the participants.²⁵ A judge must pick and choose among features of the various plans before the court, trying to get the best mix of concepts and programs. It is his duty — not that of any of the parties (except the school board) — to fashion a plan that promises to work. In the exercise of this duty a district judge will encourage, as he will in all litigation, compromises among the parties. Indeed the very vagueness of the law and flux of urban America invite compromise. It is not a dirty word; it is a legal and practical necessity. And it is what Judge Taylor did. He took common parts from all of the plans. He reached for consensus. He gave more to one side in some places, less in others. Desegregation plans are not made in heaven. They are drafted by individuals with sharply competing (and sometimes divided) interests. Putting together a compromise whole is not an abuse of discretion.

Choosing the amount of busing to achieve a desegregated system has always been the most difficult task for the lower courts. Their familiarities with the

²⁵ See also, Hain, *Sealing off the City: School Desegregation in Detroit*, in H. Kalodner & J. Fishman eds., *The Limits of Justice* 223, 274 (1978): "The NAACP and the board of education submitted drastically different plans. Both parties seemed to take extreme positions on the assumption the court would strike a compromise between them."

"practicalities of the situation," *Davis v. Board of School Commissioners of Mobile County*, 402 U.S. 33, 37 (1971), whether it be knowledge of traffic patterns, natural boundaries, or the demographics of the district, place them in the best position to exercise informed choice. It probably would not have been an abuse of discretion to have ordered the busing necessary to implement Plaintiffs' Plan A, but the concept of discretion mandates the choice not to adopt it also.²⁶ It is true that there were no extensive time-distance studies entered into the record — and those offered were conducted on *Sundays*. But any knowledge of Dallas leads one quickly to the realization that once the naturally integrated areas were preserved there would indeed be lengthy bus rides necessary to eliminate many of the one-race schools. Judge Taylor chose not to do this. The goal of desegregation is not merely to rearrange the student assignments in a system.²⁷ It is rather to adopt a plan that will realistically overcome the effects of past discrimination. It is to integrate minds as well as buildings. Thus Judge Taylor wisely anticipated *Milliken v.*

26 Plaintiffs' Plan A would have transported 69,000 students and its projected cost of implementation was \$22,000,000. 412 F. Supp. at 1200.

27 Although many people believe to the contrary. E.g., the letter from John W. Roberts of the Massachusetts Civil Liberties Union stating Judge Garrity's task is "to evaluate plans as they are placed before him not on the basis of the educational quality of the plan, but rather on the basis of whether or not they meet the standards for school desegregation developed by the Federal Courts." Quoted in Willie, *Racial Balance or Quality Education?*, 84 School Rev. 313 (1976).

Bradley II, 433 U.S. 267 (1977) and opted to enrich the educational experiences of the students in a desegregation context.²⁸ This was not only present in the Early Childhood Education concept adopted for K-3 and the magnet approach to grades 9-12,²⁹ but beyond this the district judge crafted an order looking to the other facets necessary to make a desegregation plan work.

DISD was placed under an obligation to recruit quickly additional Black and Mexican American teachers, principals, and other certificated personnel. Yet simply having teachers, principals and administrators ready to occupy buildings is not enough. Clearly the district judge recognized the disparate im-

28 Each of the Black members of the Education Task Force of the Dallas Alliance agrees with the statement of Dr. Benjamin Mays: "Black people must not resign themselves to the pessimistic view that a non-integrated school cannot provide Black children with an excellent educational setting. Instead, Black people, while working to implement *Brown*, should recognize that integration alone does not provide a quality education and that much of the substance of quality education can be provided to Black children in the interim." Mays, *Comment: Atlanta—Living with Brown Twenty Years Later*, 3 Black L.J. 184, 191-92 (1974).

29 We admit magnet schools have not always worked — although with an example like Skyline it is hardly surprising the participants at the district court thought magnets an attractive idea. The use of magnets is not simply freedom of choice by another name. While it is true a student must choose to attend a magnet, that choice may — and should — be heavily influenced by the school districts. Magnet schools, after all, are intended to be significantly superior to other high schools and this can be assisted by a district's phasing out competing courses at non-magnet schools. Should the magnet concept be found ineffective the retention of jurisdiction by the district judge allows for correction. E.g., high school attendance zones might be modified to achieve additional racial mixing.

plications of exposing innocent minority children to possible instructional and administrative biases that sometime fail to vanish in spite of a court order. For the experience to be effective, they must understand and be capable of functioning in their multi-cultural setting. Thus the district judge required in-depth training of these personnel to implement the plan and improve attitudes and awareness to facilitate the effectiveness of the personnel in a desegregated setting.

Finally, the judge sought methodologies of accountability. He accomplished this in two separate fashions. First, the very top administrators in the system were to reflect the racial composition of the city. This would mandate increased hiring of Blacks and Mexican Americans in the hopes that the commitment at the top to make desegregation work now would be reflected in commitment below. Second, the order provides not only for an internal audit by DISD to be filed with the Court, but, more significantly, an external audit of the progress the system is making in adopting the plan of the district court.

If there were nothing more than the district judge's understanding of the district and his reasoned actions in light of the available options and his anticipation of the authority *Milliken II* would give, the plan adopted could be sustained as an appropriate exercise of discretion so long as it held the promise to work. But a realization of what it means to adopt a desegregation plan for a complex urban community places an even heavier than normal burden on a district judge to assess

workability not only *now*, as *Green* demands, but five years or more from now. It is inconceivable that urban systems could be put through all the effort of creating desegregation plans satisfactory to a federal judiciary only to learn that if all the schools go one-race shortly thereafter from extraneous causes, or from the very existence of the plan that promises to work only now, there is no further Fourteenth Amendment obligation. No plan has value that cannot continue to work. And for a plan to continue to work there must be community support as the Civil Rights Commission has recognized. *Fulfilling the Letter and Spirit of the Law* (1976). Judge Taylor knew this and he achieved that support. One can search for various measures of the strength of community support but the passage by the voters of the \$80,000,000 bond issue to assist implementation of the court order is strong evidence that Judge Taylor's prescient charge to the community to come forward and be involved worked — and promises to continue to work. The Dallas community, business, church, civic organizations, as well as private citizens, has demonstrated support for the plan by providing resources a court is unable to order. Within six months of the court order 144 schools had been adopted by either business or civic organizations as focal points for the community effort in channeling volunteers, equipment, private monies to the schools, as well as providing part-time and full-time job opportunities for students.

The successful efforts to include the community and gain a broad base of support for the plan at present and maintain it in the future say much for the district judge.

He did not, unfortunately satisfy everyone. Maybe such a goal is impossible. Legal responsibilities cannot, of course, be shifted. The responsibility for a unitary school system rests with appropriate elected officials and, in default of their duties, with a federal judge. But the judge cannot blind himself to what all others can see and no one argues that school desegregation cases where the community is in an uproar are a model for either the political or judicial process. Schools must be integrated. Minds must be reached. Quality and caring must be assured. It must not only begin, it must also continue. Maybe better plans could have been devised but the plan adopted by Judge Taylor carried the promise to work.³⁰ The informed discretion of the district judge can require no more.

II. *Washington V. Davis* And Its Progeny Have No Place In Southern School Desegregation Cases.

Not only is the *Washington v. Davis*, 426 U.S. 229 (1976) issue not necessary to a decision by this Court (and not considered by the Court below), such a holding is not in the best interests of Dallas or the United States. School suits should not extend for the rest of this century whether the goal is to integrate or to avoid integration. Decisional principles should en-

³⁰ Naturally the district judge retained jurisdiction over the DISD litigation. Should the plans and concepts he approved be shown not to work in practice, he is free to modify or abandon them as experiences dictate.

courage reasonable compromise, not further litigation. This applies to whether one-race schools cause challenges as to the existence of a unitary system or are justified as the normal outcome of urban housing patterns having nothing at all to do with actions of school boards.

Suddenly to reverse school desegregation cases into endless — and fruitless — squabbling over whether school segregation caused housing segregation or vice versa does more than tax the limits of judicial competence and social science methodologies. Fundamentally, it encourages the false hope that school systems may be released from the obligations to eradicate past de jure segregation. The fruits of a quarter-century of footdragging by school districts ought not be a return to separate and unequal. Yet the *Washington v. Davis* rationale promises little else. That is why it has been so enthusiastically embraced by those who resisted *Brown II*, *Green*, and *Swann*. Providing for equal and quality educational opportunities for each child in a school district — the goal of the Dallas Alliance Plan — can be made vastly more difficult when judicial as well as political pressures offer the hope that compromise is unnecessary — that the future belongs to those who questioned *Brown*.

The South has made great progress in the last 15 years. Indeed today Boston is clearly a Northern phenomena, one that unfortunately may plague this great Nation for years. The North perceives no obligations in this area and the North resists. District

courts daily remind the South of its obligations. The spur has worked to set Southern school cases against a backdrop of high commitment to educational quality even during a period of fiscal retrenchment elsewhere. This is hardly a position mandating a call, no matter how uncertain, for retreat. Leaving these cases in the community, in the school boards, in the local district courts, where a judge may be guided by the equitable principles of *Brown II* and *Swann* and the desire to bring to each child the promise of the best education, is the appropriate solution.

CONCLUSION

For the reasons stated above the Court should reverse the judgment of the Court of Appeals remanding this case to the district court for continued implementation of the ordered plan.

DATED May ____, 1979.

Respectfully submitted,

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PROOF OF SERVICE

I, H. Ron White, an attorney for the Amicus Curiae herein, hereby certify that on the ____ day of May, 1979, I served three copies of the foregoing Motion for Leave to File Brief Amicus Curiae and Brief of Amicus Curiae to the Supreme Court upon the following Counsel for the Petitioners, Counsel for the Respondents and the Respondent Pro Se:

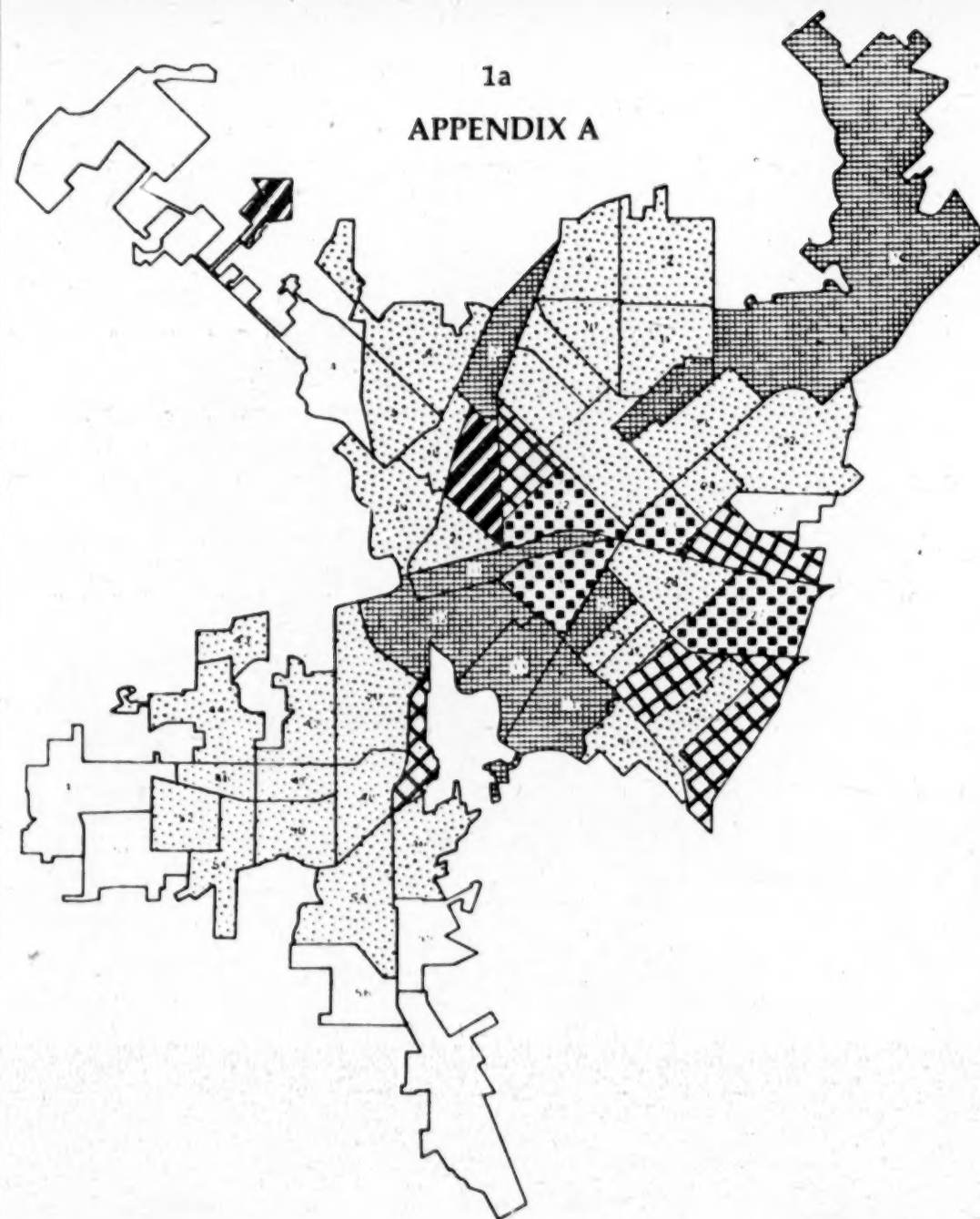
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by mailing same to such Counsel and Respondent pro se at their respective addresses and depositing the same in a United States mail box in an envelope properly addressed to such addresses with first class postage prepaid.

I further certify that all parties required to be served have been served.

H. RON WHITE
Attorney for Amicus Curiae
Dallas Alliance and
Education Task Force of
Dallas Alliance

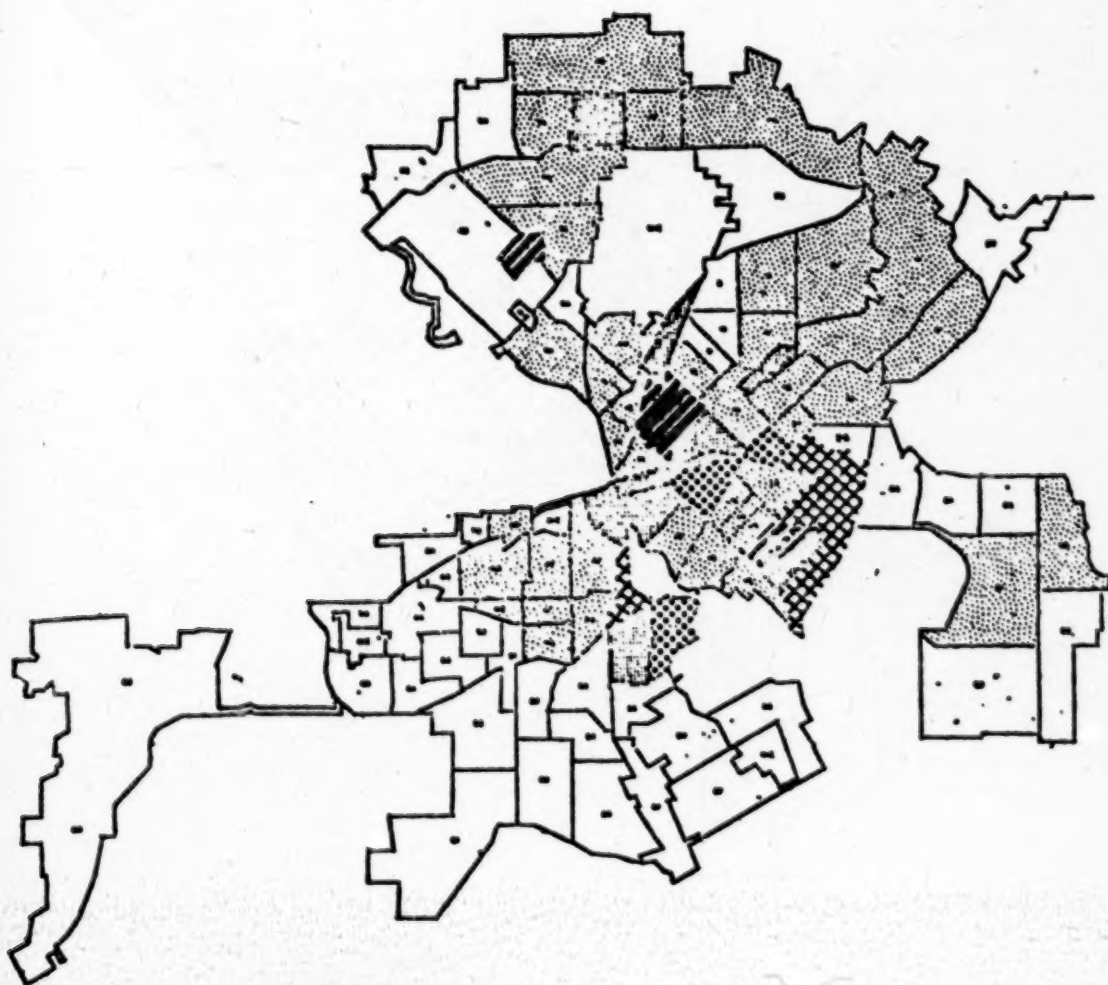


1940.

COMMUNITY ANALYSIS PROGRAM - CITY OF DALLAS
BLACK POPULATION BY CENSUS TRACT


DEPARTMENT OF PLANNING
AND URBAN DEVELOPMENT
PUB. NO. T45X
PLATE B-1

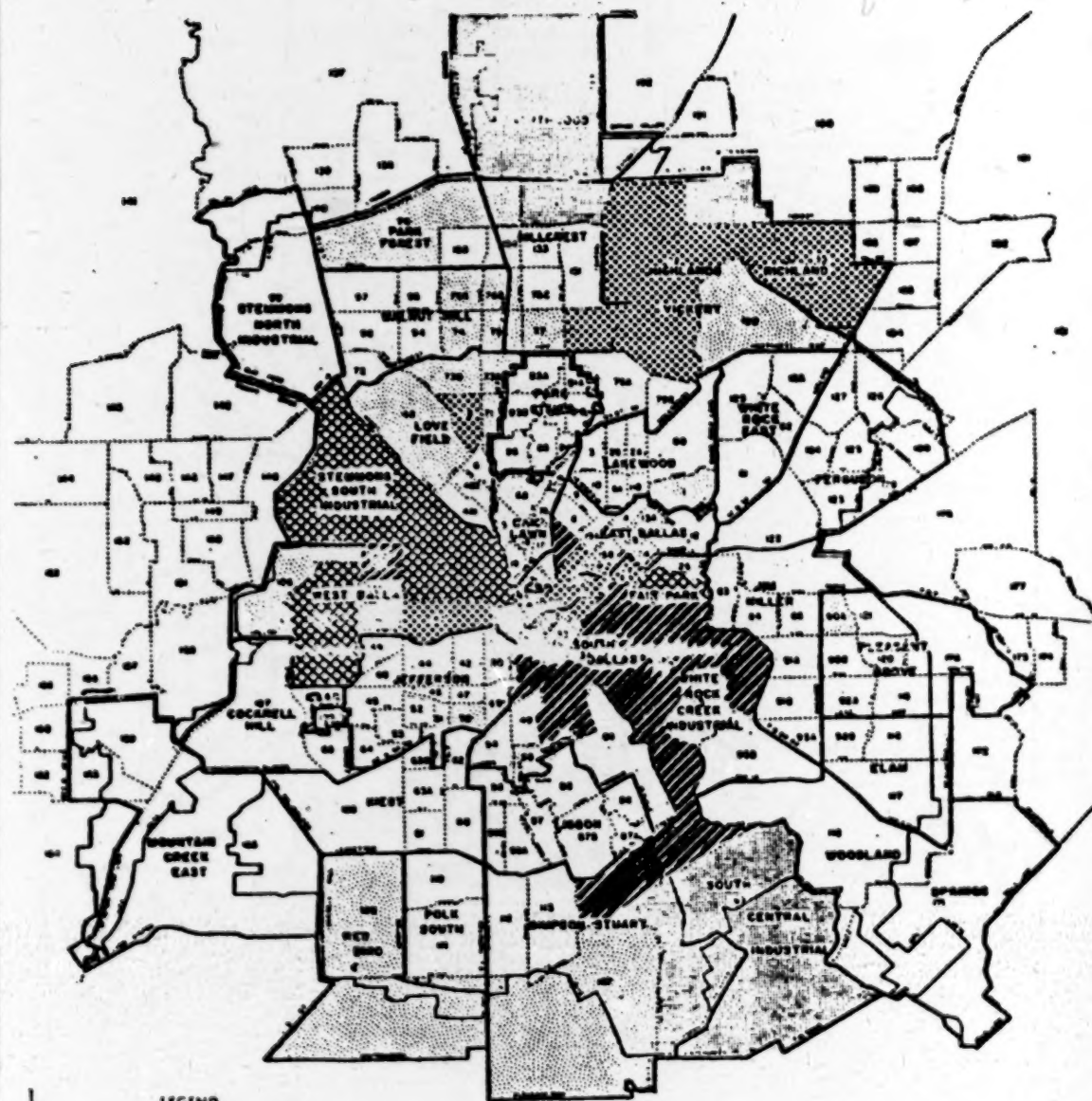
2a



U.S. DEPARTMENT OF COMMERCE
BUREAU OF ECONOMIC ANALYSIS
PUB. NO. 1434
PLATE B-3

COMMUNITY ANALYSIS PROGRAM - CITY OF DALLAS
BLACK POPULATION BY CENSUS TRACT - 1950

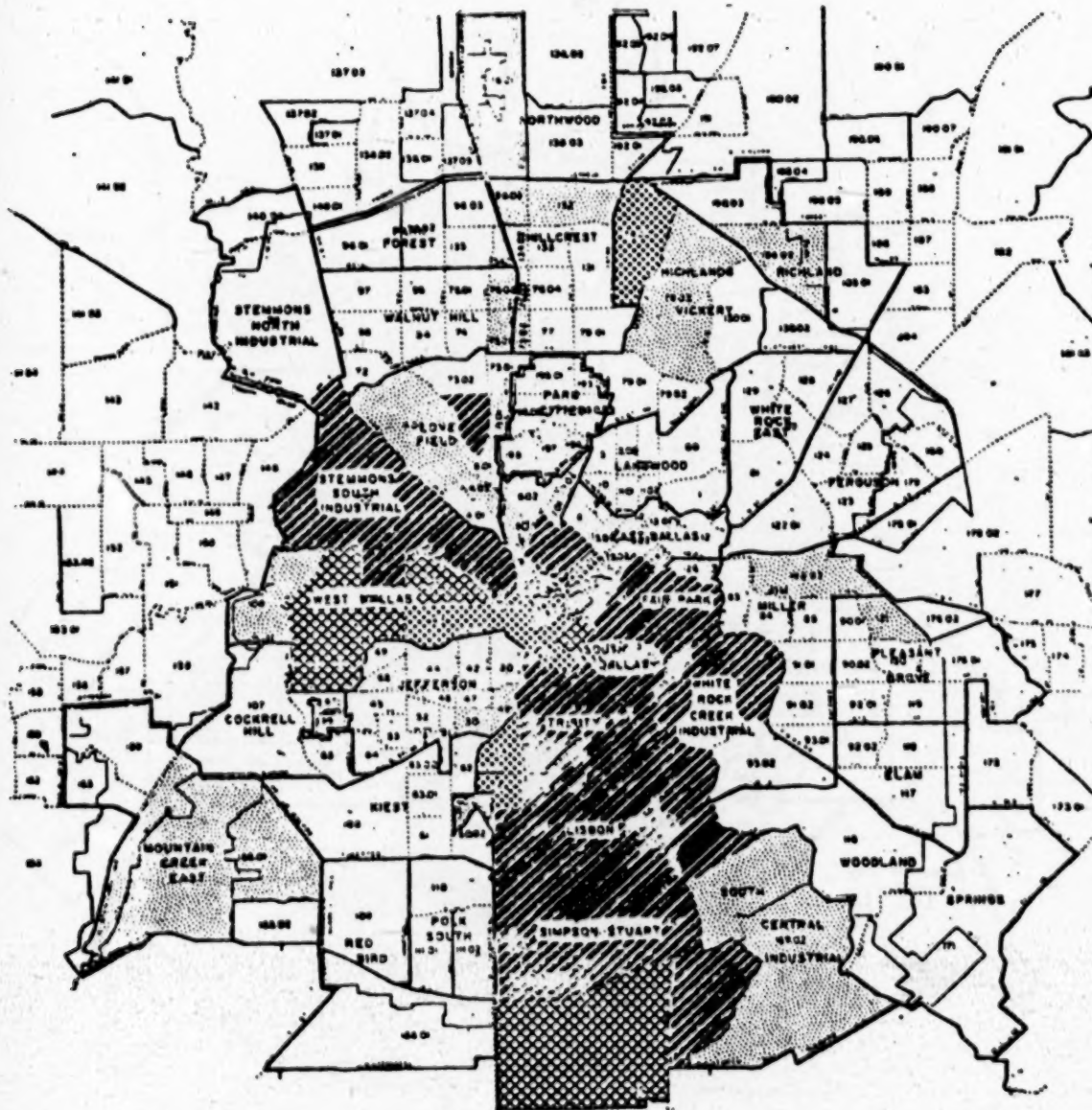
3a



U.S. DEPARTMENT OF COMMERCE
BUREAU OF ECONOMIC ANALYSIS
PUB. NO. 1434
PLATE B-3

COMMUNITY ANALYSIS PROGRAM - CITY OF DALLAS
BLACK POPULATION BY CENSUS TRACT - 1960

4a



LEGEND
PERCENT BLACK POPULATION

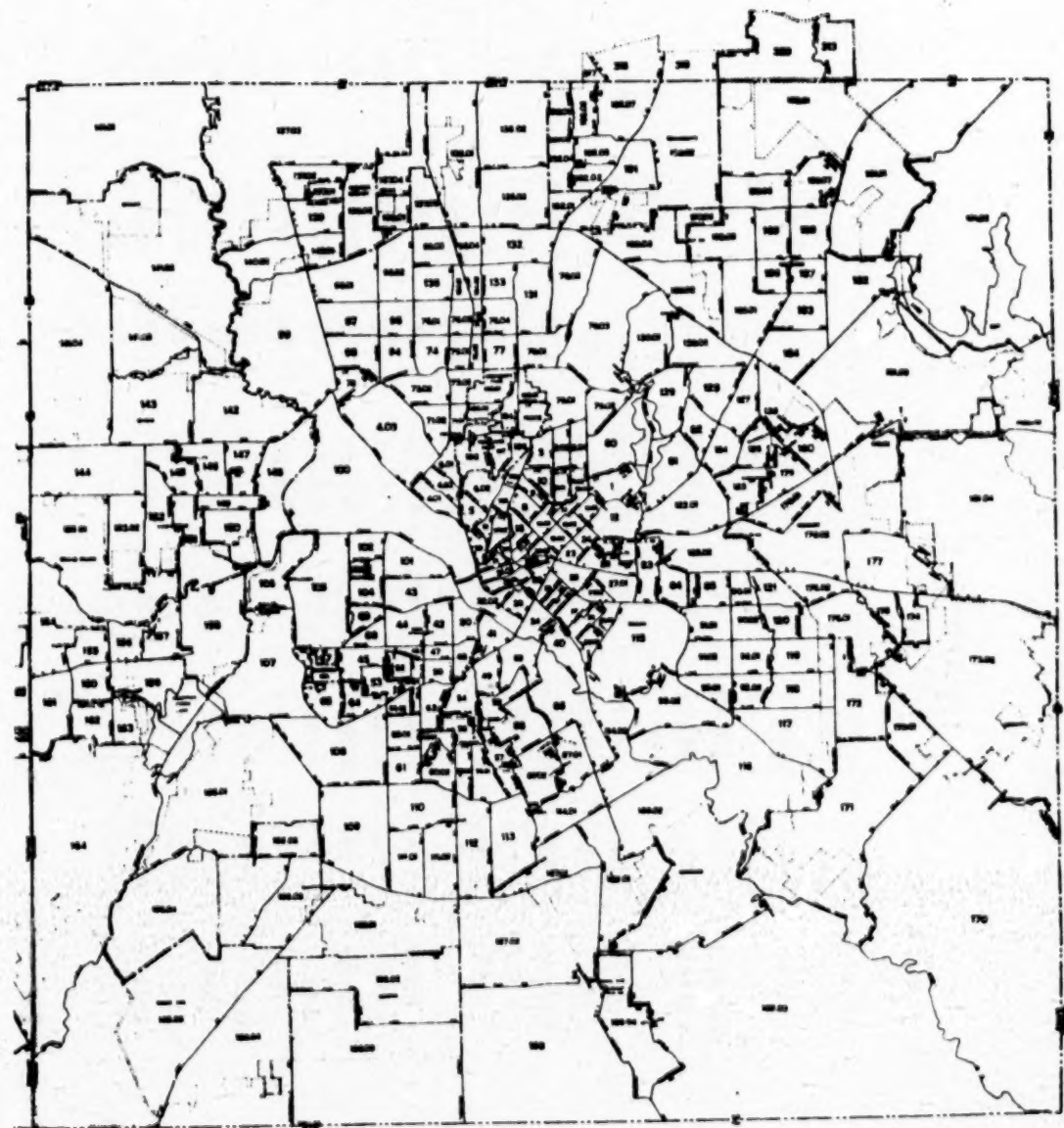


COMMUNITY ANALYSIS PROGRAM - CITY OF DALLAS
LACK POPULATION BY CENSUS TRACT - 1970

PUB. NO. 1432
PLATE B-4

5a

CENSUS TRACTS IN THE DALLAS, TEX. SMSA
INSET A - DALLAS AND VICINITY



1970 Census of Population and Housing
CENSUS TRACTS
DALLAS, TEX.
STANDARD METROPOLITAN STATISTICAL AREA
PLATE B-4

207 2

APPENDIX B POPULATION BY RACE BY CENSUS TRACT: 1940, 1950, 1960 AND 1970

CENSUS TRACT	1940				1950				1960				1970			
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
001	2,587	296	4,445	153	3,549	43	3,772	8	3,549	43	3,772	8	3,549	43	3,772	8
002.01	3,685	60	7,093	57	3,462	3	3,120	0	3,462	3	3,120	0	3,462	3	3,120	0
002.02					4,271	12	3,877	0	4,271	12	3,877	0	4,271	12	3,877	0
003	3,758	60	4,327	14	3,935	7	3,566	12	3,935	7	3,566	12	3,935	7	3,566	12
004.01	8,198	22	7,495	77	2,789	2	2,817	0	2,789	2	2,817	0	2,789	2	2,817	0
004.02			9,695	35	4,249	6	5,469	121	4,249	6	5,469	121	4,249	6	5,469	121
004.03					7,342	760	6,192	129	7,342	760	6,192	129	7,342	760	6,192	129
005	4,255	83	3,831	27	3,315	53	4,497	58	3,315	53	4,497	58	3,315	53	4,497	58
006.01	9,089	535	3,382	3	4,674	7	5,653	11	4,674	7	5,653	11	4,674	7	5,653	11
006.02			8,344	205	7,201	124	7,790	49	7,201	124	7,790	49	7,201	124	7,790	49
007.01	5,716	694	4,911	1,363	3,704	5	3,297	8	3,704	5	3,297	8	3,704	5	3,297	8
007.02					2,142	422	2,586	96	2,142	422	2,586	96	2,142	422	2,586	96
008	3,847	89	4,772	69	4,605	6	4,634	19	4,605	6	4,634	19	4,605	6	4,634	19
009	3,329	87	3,275	42	2,833	12	3,074	4	2,833	12	3,074	4	2,833	12	3,074	4
010	5,785	99	5,284	44	4,479	19	4,681	14	4,479	19	4,681	14	4,479	19	4,681	14
011.01	7,955	173	8,166	77	4,234	21	4,050	5	4,234	21	4,050	5	4,234	21	4,050	5
011.02					2,488	12	2,388	1	2,488	12	2,388	1	2,488	12	2,388	1
012	5,875	118	5,667	59	5,126	3	4,697	10	5,126	3	4,697	10	5,126	3	4,697	10
013.01	7,645	383	8,515	214	3,423	11	1,881	1	3,423	11	1,881	1	3,423	11	1,881	1
013.02					4,687	47	4,928	19	4,687	47	4,928	19	4,687	47	4,928	19
014	2,259	385	2,357	264	3,177	83	3,716	26	3,177	83	3,716	26	3,177	83	3,716	26
015.01	11,104	596	11,164	356	6,323	62	6,407	5	6,323	62	6,407	5	6,323	62	6,407	5
015.02					4,665	78	3,702	42	4,665	78	3,702	42	4,665	78	3,702	42

6a

CENSUS TRACT	1940				1950				1960				1970			
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
016	2,774	6,039	2,070	7,352	1,114	7,086	425	5,559	1,114	7,086	425	5,559	1,114	7,086	425	5,559
017.01	2,281	9,741	1,171	7,802	548	5,823	42	269	548	5,823	42	269	548	5,823	42	269
017.02							322	2,758			322	2,758			322	2,758
018	3,859	166	3,933	50	2,720	10	2,578	17	2,720	10	2,578	17	2,720	10	2,578	17
019	5,377	206	4,397	73	2,305	21	1,390	28	2,305	21	1,390	28	2,305	21	1,390	28
020	5,145	228	5,335	175	5,093	84	6,005	44	5,093	84	6,005	44	5,093	84	6,005	44
021	2,727	187	1,235	86	545	37	153	29	545	37	153	29	545	37	153	29
022.01	6,200	2,098	6,195	1,648	1,702	620	1,233	418	1,702	620	1,233	418	1,702	620	1,233	418
022.02					2,415	340	1,856	342	2,415	340	1,856	342	2,415	340	1,856	342
023	3,727	1,319	3,364	1,168	2,106	1,373	591	1,939	2,106	1,373	591	1,939	2,106	1,373	591	1,939
024	4,239	87	3,774	96	2,722	86	2,069	341	2,722	86	2,069	341	2,722	86	2,069	341
025	2,045	2,501	2,159	2,714	1,790	3,688	460	4,249	1,790	3,688	460	4,249	1,790	3,688	460	4,249
026	2,595	2	2,929	2	2,156	1	1,665	119	2,156	1	1,665	119	2,156	1	1,665	119
027.01	4,419	2,925	4,647	4,770	32	7,245	13	7,247	32	7,245	13	7,247	32	7,245	13	7,247
027.02					105	4,869	23	4,890	105	4,869	23	4,890	105	4,869	23	4,890
028	4,701	147	4,249	112	965	2,928	75	2,445	965	2,928	75	2,445	965	2,928	75	2,445
029	2,154	266	1,793	167	214	1,685	89	3,687	214	1,685	89	3,687	214	1,685	89	3,687
030	4,095	3,655	3,264	2,602	1,688	1,185	468	151	1,688	1,185	468	151	1,688	1,185	468	151
031.01	2,106	410	2,011	357	979	411	1,457	981	979	411	1,457	981	979	411	1,457	981
031.02					56	40	53	1	56	40	53	1	56	40	53	1
032.01	3,626	395	2,868	391	1,269	192	342	15	1,269	192	342	15	1,269	192	342	15
032.02							133	73			133	73			133	73

7a

CENSUS TRACT	1940				1950				1960				1970			
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
033	4,963	680	4,585	451	2,768	519	821	977								
034	5,151	656	5,183	442	543	5,559	81	6,852								
035	2,404	227	2,397	186	150	2,372	31	3,234								
036	3,262	111	2,722	286	73	3,041	8	1,825								
037	2,121	5,321	648	6,840	62	6,880	31	5,817								
038	3,912	73	3,734	695	49	5,559	11	4,858								
039.01					121	4,548	49	4,525								
039.02	2,933	3,668	2,091	5,553	10	4,642	5	3,742								
040	4,137	67	4,142	68	205	4,418	122	3,662								
041	2,043	3,302	1,861	3,078	418	4,265	135	3,438								
042	4,354	122	5,377	133	4,817	24	4,489	22								
043	1,268	45	1,575	40	2,962	1,877	2,437	1,280								
044	4,856	115	5,639	87	5,690	25	6,386	9								
045	2,950	13	7,676	12	6,719	5	7,172	3								
046	2,868	67	2,835	36	2,654	14	2,753	10								
047	4,670	84	4,197	41	3,074	8	2,973	4								
048	4,779	79	4,336	36	3,369	196	3,433	193								
049	3,330	37	4,311	922	4,640	1,500	518	7,006								
050	5,258	100	4,834	85	3,984	52	2,871	56								
051	4,066	18	4,515	8	4,025	4	3,584	0								
052	5,260	44	4,981	22	4,293	10	3,771	2								
053	5,446	2	6,701	3	5,946	0	5,344	1								
054	5,120	24	6,369	1	5,962	5	4,287	2,620								

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CENSUS TRACT	1940				1950				1960				1970			
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
055	3,070	3	4,070	0	4,284	34	562	3,443								
056	4,586	2	5,580	0	4,970	1	3,497	1,539								
057	4,306	1	6,101	3	6,366	0	1,813	5,524								
058	6	1,495	57	3,539												
059.01			4,300	1	7,008	1	930	7,304								
059.02					3,378	3	601	3,717								
060.01			1,396	1	4,643	0	3,925	648								
060.02							2,506	0								
061			149	0	1,185	0	4,751	7								
062			2,567	1	4,298	4	4,532	25								
063.01			4,628	1	5,210	0	4,527	0								
063.02					2,463	1	2,211	1								
064			4,398	7	5,762	0	5,892	2								
065			4,519	0	6,253	0	6,257	0								
066			89	0												
067			2,651	4	2,509	0	3,123	3								
068			3,582	0	2,343	1	4,384	59								
069			5,817	4	590	2	1,913	4								
070			2,738	0												
071.01			7,285	60	2,613	29	2,178	138								
071.02					4,432	2,371	1,763	5,861								
072			3,649	13	3,703	3	4,635	6								
073.01			6,755	110	2,859	16	2,452	2								

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CENSUS TRACT	1940		1950		1960		1970	
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
073.02					4,001	46	4,009	18
074			716	56	1,660	49	1,676	12
075.01			990	132	1,224	89	720	14
075.02							461	6
076.01			2,534	72	1,728	20	2,285	3
076.02					1,286	45	803	9
076.03					4,084	13	838	3
076.04							3,670	4
077			2,679	60	5,743	39	5,733	33
078.01			1,518	23	4,230	3,019	893	1
078.02							3,448	3,171
078.03							6,970	81
079.01			1,738	6	2,189	3	7,712	16
079.02					5,629	1	5,851	5
080			2,940	69	5,456	23	5,885	5
081			4,298	23	5,926	18	6,917	8
082			2,270	8	3,343	1	5,029	0
083			1,286	2	2,037	6	1,623	2
084			6,241	0	6,863	6	6,225	4
085			2,541	1	3,538	1	3,274	0
086			2,318	3	4,318	3	925	3,155
087.01			5,979	18	1,916	5	362	4,606
087.02					9,491	1	1,099	12,334

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CENSUS TRACT	1940		1950		1960		1970	
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
088			4,691	1	9,138	15	407	11,829
089			2,769	1,004	1,590	18	676	7,272
090.01			2,248	36	999	1	1,177	7
090.02					2,540	0	4,221	1
091.01			447	34	6,322	0	5,378	0
091.02					8,274	0	8,782	1
092.01			4,172	12	4,601	1	5,406	2
092.02					4,535	0	4,710	0
093.01			5,112	33	3,891	2	3,648	2
093.02					4,247	0	7,310	57
094			525	2	7,966	2	6,969	6
095					2,412	9	2,485	0
096.01					6,954	64	12,011	90
096.02							8,657	3
096.03							4,746	0
096.04							2,059	137
097					5,766	2	8,669	7
098			4,788	3	4,788	3	9,157	8
099			4,621	0	4,621	0	3,185	2
100			1,170	3,289	1,170	3,289	861	2,764
101			4,200	7,702	4,200	7,702	3,567	7,569
102			315	7,417	315	7,417	329	6,171
103			5,062	2	5,062	2	299	4,448

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CENSUS TRACT	1940		1950		1960		1970	
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
104					2,167	351	902	1,568
105					1,527	3,329	1,119	2,720
106					5,695	172	5,497	282
107					3,664	0	6,390	24
108					4,892	1	14,901	12
109					386	8	1,312	6
110					3,907	0	10,138	1
111.01					047	13	1,914	7
111.02							11,584	19
112					2,688	2	846	2,696
113					1,376	1	174	4,643
114.01					402	0	133	4,369
114.02							134	1,605
115					168	6,302	42	6,729
116					5,113	0	7,484	19
117					4,192	3	5,841	4
118					2,174	0	2,686	0
119					1,110	0	2,454	0
120					1,281	0	2,526	0
121					275	0	227	15
122.01					3,490	4	12,168	2
122.02							4,066	175
123					4,916	2	6,994	9

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CENSUS TRACT	1940		1950		1960		1970	
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
124					6,381	11	6,820	4
125					9,515	1	8,830	0
126					2,228	0	4,010	0
127					8,811	0	8,325	2
128					6,534	3	9,183	7
129					5,371	1	5,293	0
130.01					7,657	100	13,746	70
130.02							9,680	15
131					2,646	6	7,725	9
132					1,614	255	2,128	80
133					2,341	9	2,049	2
134.01					1,767	5	1,146	8
134.02							1,504	0
135					967	8	2,885	8
136.01					1,770	312	1,112	247
136.02							7,600	2
136.03							11,191	20
137.03							0	0
138.01							0	0
140.01					66	0	0	0
140.02							47	0
141.01							0	0
141.02							37	0

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CENSUS TRACT	1940		1950		1960		1970	
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
148							0	0
158					0	0	0	0
159			37	0	37	0	42	0
163			0	0	0	0	23	0
164			0	0	0	0	0	0
165.01			562	0	562	0	1,627	21
165.02							0	0
165.03							86	1
165.04							0	0
166.01			1,477	10	1,477	10	1,638	0
167.01			2,068	24	2,068	24	146	3,085
167.02							341	395
169.01			547	90	547	90	155	2,851
169.02							113	6
171							164	0
176.01			135	0	135	0	156	0
178.01							0	0
178.02							0	0
179			209	0	209	0	205	0
180			166	0	166	0	101	0
181.03							0	0
184			0	0	0	0	0	0

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CENSUS TRACT	1940		1950		1960		1970	
	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK	WHITE	BLACK
185.01					68	48	19	0
185.02							66	2
190.01					112	14	0	8
190.02							0	0
190.03							453	2
192.01					169	0	4,697	5

Source: 1940, 1950, 1960 and 1970 Census of Population, U.S. Department of Commerce, Bureau of the Census.

APPENDIX C

THE DALLAS ALLIANCE

CORRESPONDENT ORGANIZATIONS

American G.I. Forum
 American Indian Center of Dallas, Inc.
 American Institute of Architects, Dallas Chapter
 American Jewish Committee, Dallas Chapter
 Amigos
 Bishop College
 B'Nai B'Rith Womens' Council
 Boy's Club of Dallas, Inc.
 Brown Berets
 Camp Fire Council of Metropolitan Dallas
 Catholic Charities
 Catholic Diocese of Dallas
 Church Women United
 Community Council of Greater Dallas
 Community Relations Council, Jewish Federation of
 Greater Dallas
 Council of Catholic Women, Dallas Deanery
 Cumberland Presbyterian Church
 Dallas Alumnae Chapter, Delta Sigma Theta
 Dallas Association for Retarded Citizens
 Dallas Association of Young Lawyers
 Dallas Bar Association
 Dallas Black Chamber of Commerce
 Dallas Chamber of Commerce
 Dallas Citizens Council
 Dallas City Council of PTAs

Dallas Civic Ballet
 Dallas Council on Alcoholism
 Dallas County Adult Probation Department
 Dallas County AFL-CIO
 Dallas County Community Action Committee
 Dallas County Mental Health & Mental Retardation
 Center
 Dallas County Nutrition Program
 Dallas Federation of Women's Clubs
 Dallas Homeowners League
 Dallas Housing Authority
 Dallas Housing Forum
 Dallas Inter-Tribal Center
 Dallas Junior Chamber of Commerce
 Dallas Mexican Chamber of Commerce
 Dallas Opportunities Industrialization Center
 Dallas Police Department
 Dallas Minority Business Center
 Dallas Public Library
 Dallas Symphony Association, Inc.
 Dallas Urban League
 East Dallas Community Design Center
 Family Guidance Center
 Goals for Dallas
 Goodwill Industries of Dallas, Inc.
 Greater Dallas Community of Churches
 Greater Dallas Community Relations Commission
 Greater Dallas Crime Commission
 Greater Dallas Housing Opportunity Center, Inc.
 Greater Dallas Planning Council
 Historic Preservation League of Dallas, Inc.

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Interdenominational Ministerial Alliance
 Jobs for Progress, Inc. (Operation SER)
 Junior League of Dallas, Inc.
 League of United Latin American Citizens (LULAC)
 League of Women Voters of Dallas
 Links, Inc., of Dallas
 Los Barrios Unidas Clinic
 Mental Health Association of Dallas County
 Mount Olive Volunteer Effort (MOVE)
 National Alliance of Businessmen
 National Association of Social Workers, Inc.
 National Conference of Christians & Jews
 National Council of Jewish Women, Greater Dallas
 Section
 National Organization for Women (NOW)
 NAACP — John F. Kennedy Branch
 NAACP — Oak Cliff/Cedar Crest Branch
 NAACP — South Dallas Branch
 Neighborhood Conservation Alliance
 Neighborhood Housing Services of Dallas, Inc.
 North Park/Love Field Civic League
 Rabbinical Association of Dallas
 Salesmanship Club of Dallas
 Salvation Army
 Senior Citizens of Greater Dallas, Inc.
 Southern Methodist University
 Tejas Girl Scout Council, Inc.
 Theater Three
 United Methodist Church, Office of the Bishop

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Urban Studies Program, SMU
 Venture Advisors, Inc.
 Visiting Nurses Association
 Voluntary Action Center of Dallas County
 Wesley Rankin Community Center
 Womens' Council of Dallas County, Inc.
 Women for Change Center
 YMCA of Dallas Metropolitan Area
 YWCA of Metropolitan Dallas